

18C03-2009-CT-000088

Delaware Circuit Court 3

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Clerk

Delaware County, Indiana

STATE OF INDIANA)
) SS:
 COUNTY OF DELAWARE) CAUSE NO.

KRYSTYNA JOHNSTONE and)
 ALLEN F. JOHNSTONE,)
)
 Plaintiffs,)
)
 v.)
)
 WALMART INC. d/b/a)
 WALMART, WALMART STORES))
 EAST, LP, d/b/a WALMART)
 SUPERCENTER,)
)
 Defendants.)

COMPLAINT FOR DAMAGES

COME NOW the Plaintiffs, Krystyna Johnstone and Allen F. Johnstone, by counsel, Kimberly H. Danforth, and for their Complaint for Damages against Defendants Walmart Inc. d/b/a Walmart and/or Walmart Stores East, LP d/b/a Walmart Supercenter state the following:

1. At all relevant times to this action, Plaintiffs Krystyna Johnstone and Allen F. Johnstone were residents of Muncie, Delaware County, Indiana.
2. At all relevant times to this action, the Defendant Walmart Inc. (hereafter Walmart) was a foreign for-profit corporation doing business in the State of Indiana.
3. At all relevant times to this action, the Defendant Walmart Stores East, LP was a foreign limited partnership doing business in the State of Indiana as Walmart Supercenter #3747 (hereafter Walmart Supercenter).

4. On or about September 8, 2018, Defendant Walmart and/or Defendant Walmart Supercenter operated a discount department store/grocery store located at 1501 East 29th Street, Muncie, Indiana (hereafter "the Store").
5. At this time and place, Plaintiff Krystyna Johnstone was a business invitee at the Store and upon entering the grocery side of the Store she slipped upon a foreign substance and fell to the floor. This foreign substance created a dangerous and/or hazardous condition and her fall resulted in personal injuries.
6. At this time Defendant Walmart and/or Defendant Walmart Supercenter was careless and negligent in allowing this substance (believed to be water) to accumulate and in failing to remove this foreign substance when the Defendant knew or otherwise upon reasonable inspection should have known of its existence upon the walking surface at this location in the Store. Further, the Defendant was careless and negligent in failing to warn Plaintiff Krystyna Johnstone of the dangerous and/or hazardous condition which caused her fall when the Defendant knew or should have known she was not likely to discover this condition before her fall.
7. As a direct and proximate result of the carelessness and negligence of Defendant Walmart and/or Defendant Walmart Supercenter, Plaintiff Krystyna Johnstone suffered personal injury resulting in pain and suffering to her.
8. In order to treat these injuries, Krystyna Johnstone was required to engage the services of hospitals and medical practitioners and incurred medical expenses. She may continue to incur medical expenses for care in the future, all as a direct and proximate result of the carelessness negligence of Defendant Walmart and/or Defendant Walmart Supercenter.

9. At all times relevant to this action, Plaintiffs Krystyna Johnstone and Allen F. Johnstone were husband and wife, and because of this marital relationship each is entitled to receive reasonable services from the other. As a result of the carelessness and negligence of Defendant Walmart and/or Defendant Walmart Supercenter, both Plaintiffs Krystyna Johnstone and Allen F. Johnstone were denied these services from the other and may be denied the same in the future.
10. As a result of the carelessness and negligence of Defendant Walmart and/or Defendant Walmart Supercenter the Plaintiff has been damaged.

WHEREFORE, the Plaintiffs prays for judgment against Defendants Walmart Inc. d/b/a Walmart and Walmart Stores East, LP d/b/a Walmart Supercenter in an amount commensurate with the evidence of their damages, costs of this action and all other proper relief.

Respectfully submitted,

/s/ Kimberly H. Danforth
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